

"B"

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

**RODNEY G. SMITH, EXECUTIVE DIRECTOR  
of the TEAMSTERS UNION 25 HEALTH SERVICES  
AND INSURANCE PLAN,**

**Plaintiff,**

 $\mathbf{v}_-$ 

**JETWORKS TECH INC.**

**Defendant.**

**Civil Action No. 04-12528-EFH**

**AFFIDAVIT OF CAROL A. BLANCHARD IN SUPPORT OF  
PLAINTIFF'S MOTION FOR JUDGMENT BY DEFAULT**

Now comes the undersigned affiant and hereby deposes and states the following:

1. My name is Carol A. Blanchard and I am the Executive Director of the Teamsters Union 25 Health Services and Insurance Plan (hereinafter, "Plan") and the Plaintiff in the above-referenced matter.
2. As Executive Director, I am a fiduciary of the Plan. I am familiar with whether contributing employers to the Plan have complied with the terms of the Plan concerning the audit of payroll records and contributions.
3. The Defendant, Jetworks Inc., was a contributing employer whose obligations to the Plan were dictated with its collective bargaining agreement with Teamsters Union 25 and the Teamsters Union 25 Health Services and Insurance Plan Trust Agreement.
4. These documents require that contributing employers comply with random audits of payroll records concerning contributions to the Plan.
5. After the institution of this suit and discussions between the parties, the Defendant ultimately complied and allowed an audit of its contributions to the Plan.
6. The Plaintiff informed that the Defendant that it would be responsible for attorney's fees and costs associated with the institution of this suit, pursuant to 29 U.S.C. § 1145, even if it complied with the request for an audit. before the Plaintiff would request dismissal of this suit.

7. On or about February 6, 2006, the Plaintiff sent notification to the Defendant concerning the attorney's fees in this matter.
8. The Defendant has not paid any attorney's fees in this matter.
9. The Defendant has never filed an answer in this matter.
10. The Defendant is not an infant or incompetent person.

Signed under the pains and penalties of perjury this 11 day of April 2006.

  
Carol A. Blanchard, Executive Director

f:\25hsip\jcrwork\pldgluff.carol.blanchard.doc:big